



Office of the Attorney General  
State of Texas

DAN MORALES  
ATTORNEY GENERAL

March 12, 1996

Ms. Belinda Perkins  
General Counsel  
Texas State Board of Pharmacy  
William P. Hobby Building, Suite 3-600  
333 Guadalupe, Box 21  
Austin, Texas 78701-3942

OR96-0316

Dear Ms. Perkins:

You have asked whether certain information is subject to required public disclosure under the Texas Open Records Act, chapter 552 of the Government Code. Your request was assigned ID# 38526.

The Texas State Board of Pharmacy (the "board") received a request from the University of Texas (the "university") for a magnetic tape listing of the university's graduates who pass their examinations to be licensed by the board. You provided this information, but did not include the licensees' social security numbers because of your licensees' concern that such release would be prohibited under both federal and state law.

The university states that it seeks the requested licensing information to update its records and needs the social security numbers in order to make appropriate use of the magnetic tape. The university states:

The SSN is the identifier used for student and subsequently alumni records and no other information is as specific for identifying individuals. Please realize that we are not requesting information (specifically, SSN's) that we do not already have as a matter of student record. Rather, we are matching SSN's to update a previously existing school record.

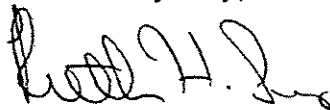
Section 552.101 of the Government Code provides that information is excepted from disclosure if made confidential by law. Federal law provides for the confidentiality of social security numbers obtained or maintained by a governmental body pursuant to any provision of law enacted on or after October 1, 1990. 42 U.S.C. § 405(c)(2)(C)(viii);

Open Records Decision No. 622 (1994) at 4. Under section 231.302(c) of the Family Code, the board is required to obtain the social security numbers of individuals who apply for a license. Section 231.302(e) provides that these social security numbers so obtained are generally confidential. The amendments to section 231.302(c) and (e) were effective as of September 1, 1995. Thus, social security numbers obtained by the board from license applicants are made confidential under both federal and state law.

We agree that the board may not release the requested social security numbers to the public. We note, however, that confidential information may be transferred between state agencies without destroying its confidential character, if the agency to which the information is transferred has authority to obtain the information. Open Records Decision No. 516 (1989). The university has asked for social security numbers of its students or graduates who are or will be licensed by the board. It is our understanding that the university already maintains these same social security numbers as confidential education records under the federal Family Educational Rights and Privacy Act of 1974 ("FERPA"), 20 U.S.C. § 1232g, and section 552.114 of the Government Code. See Open Records Decision No. 634 (1995) (educational agency may make determination that records are subject to FERPA and section 552.114 without seeking attorney general decision). It appears that if the board chose to transfer the requested information to the university, which already maintains the same information as confidential, this would not be a public release.

We are resolving this matter with an informal letter ruling rather than with a published open records decision. This ruling is limited to the particular records at issue under the facts presented to us in this request and should not be relied upon as a previous determination regarding any other records. If you have questions about this ruling, please contact our office.

Yours very truly,



Ruth H. Soucy  
Assistant Attorney General  
Open Records Division

RHS/ch

Ref.: ID# 38526

Enclosures: Submitted documents

cc: Ms. Jennifer R. Myhra, R. Ph.  
Assistant Dean for Student Academic Affairs  
College of Pharmacy  
The University of Texas at Austin  
Austin, Texas 78712-1074  
(w/o enclosures)